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No. 82-502

In the Supreme Court of the United States

October Term, 1982

PALLAS SHIPPING AGENCY, LTD.,
Petitioner,

vs.

JOSEPH DURIS,
Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

PETITIONER'S MOTION OBJECTING TO THE FILING OF A BRIEF AMICI CURIAE ON BEHALF OF THE RESPONDENT BY LOCALS 1291, ET AL., OF THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION

LUCIAN Y. RAY
WILLIAM D. CARLE III, *Counsel of Record*
DOUGLAS R. DENNY
RAY, ROBINSON, HANNINEN & CARLE
1050 Union Commerce Building
Cleveland, Ohio 44115
(216) 861-4533
Attorneys for Pallas Shipping Agency, Ltd., Petitioner

THE GATES LEGAL PUBLISHING CO., CLEVELAND, OHIO—TEL. (216) 861-5647

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To the Honorable, the Chief Justice and Associate Justices of the Supreme Court of the United States:

Comes now the Petitioner, Pallas Shipping Agency, Ltd., pursuant to Rule 36 of the Rules of the Supreme Court, and objects to the filing of a Brief Amici Curiae on behalf of the Respondent by Locals 1291, *et al.*, of the International Longshoremen's Association for the following reasons:

1. Following the granting of the Writ of Certiorari by this Honorable Court, counsel for each of the principal parties involved informally agreed to consent to the filing

of one Amicus Brief in support of its position. Accordingly, Petitioner granted its consent to the Association of Trial Lawyers of America and Respondent granted its consent to a group of American shipowners.

2. There is no showing by movant's motion that questions of law involved in this appeal have not been adequately presented by the parties and Amici previously approved or consented to by both the Petitioner and Respondent.

3. Pursuant to Rule 36.4, a Brief Amicus Curiae has been filed on behalf of the United States by the Solicitor General as representative of the Secretary of Labor. The interest of the United States is stated in Amicus Brief, page 1, as follows:

> "* * * The Secretary of Labor, the government official charged with responsibility of administering the complex statutory provisions of the LHWCA, has a substantial interest in assuring that the Court has before it an accurate picture of the administrative procedures involved in this litigation and of the possible impact of the parties' positions on these procedures."

Obviously, the Secretary of Labor is charged with the administration of the LHWCA and therefore the testimony of an Assistant District Deputy Commissioner (erroneously described in the brief as the Deputy Commissioner) as set forth in the proposed Amici Brief of Local 1291 as to how he administered the Act and what he believes the procedure and law to be is irrelevant. The testimony of Mr. McTaggart is not only irrelevant but, occurring as it did in another case without the right of counsel for this Petitioner to cross-examine, violates the Petitioner's rights and it, together with all references to it in the Amici Curiae Brief, should be stricken.

5. The interests of Locals 1291, *et al.*, and the Respondent are fully protected by Amici Briefs already filed or to be filed in support of the Respondent by the Association of Trial Lawyers of America and the United States Government.

Respectfully submitted,

LUCIAN Y. RAY
WILLIAM D. CARLE III, *Counsel of Record*
DOUGLAS R. DENNY
RAY, ROBINSON, HANNINEN & CARLE
1050 Union Commerce Building
Cleveland, Ohio 44115
(216) 861-4533
Attorneys for Pallas Shipping Agency, Ltd., Petitioner